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OFFICE OF PETITIONS

In re Application of :
Hamazaki et al. :
Application No. 10/052,286 : DECISION GRANTING PETITION
Filed: October 19, 2002 :
Attorney Docket No. :
16869N-037200US :

This is a decision on the Petition to Correct Filing Date (37 CFR 1.10(c)) and Request for Refund, filed April 22, 2002. Petitioner requests that the above-identified application be accorded a filing date of October 19, 2002, instead of the presently accorded date of January 19, 2002.

Petitioner alleges the application was deposited in "Express Mail" service with the U.S. Postal Service, on October 19, 2002. In support, Petitioner provides a copy of the Express Mail label, receipt number EL525753230US, with a "Date-In" of October 19, 2002. The Express Mail label contains a United States Postal Service (USPS) stamp of October 19, 2002. The same Express Mail label number was placed on the original application papers located in the official file.

The Office considers the date the correspondence is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail mailing label. See MPEP §513. The date indicated on the "date-in" on the Express Mail mailing label verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 19, 2002.

In view of the foregoing, this Petition in Granted.

This application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to October 19, 2002.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy